

ESTTA Tracking number: **ESTTA1104801**

Filing date: **12/29/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 91239589 |
| Party | Defendant Bowmaker's Whiskey Company |
| Correspondence Address | THEODORE A BREINER BREINER & BREINER LLC 115 NORTH HENRY STREET ALEXANDRIA, VA 22314-2903 UNITED STATES Primary Email: Docketclerk@bbpatlaw.com Secondary Email(s): tbreiner@bbpatlaw.com, Elisedelatorre@bbpatlaw.com 703-684-6885 |
| Submission | Testimony For Defendant |
| Filer's Name | THEODORE A. BREINER |
| Filer's email | tbreiner@bbpatlaw.com, Elisedelatorre@bbpatlaw.com, Docketclerk@bbpatlaw.com |
| Signature | /Theodore A. Breiner/ |
| Date | 12/29/2020 |
| Attachments | Declaration of Breiner.pdf(2598008 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | | |
|--------------------------------|---|--------------------------|
| MAKER'S MARK DISTILLERY, INC., |) | |
| |) | |
| Opposer, |) | |
| |) | Opposition No. 91239589 |
| v. |) | |
| |) | |
| |) | USSN 87/383,989 |
| |) | Mark: BOWMAKER'S WHISKEY |
| BOWMAKER'S WHISKEY COMPANY, |) | |
| |) | |
| Applicant. |) | |

DECLARATION OF THEODORE A. BREINER

Theodore A. Breiner declares that:

1. I am counsel for applicant Bowmaker's Whiskey Company. I have personal knowledge of the facts set forth in this declaration.
2. Attached hereto as Exhibits 87-95 are true and correct pictures taken by me on November 14, 2020 of the store shelves at the Virginia ABC Store located at Engleside Plaza Shopping Center, 8628-B Richmond Highway, Alexandria, Virginia 22309, showing, among other things, the various Maker's Mark products, including the prices of the products.
3. Attached hereto as Exhibit 96 is a true and correct copy of a Google Search page and Drink Menu of Diety Events.
4. Attached hereto as Exhibit 97 is a true and correct copy of a Google Search Page when inserting "Bowmaker's Whiskey" on December 29, 2020.
5. Attached hereto as Exhibit 98 is a true and correct copy of the website

page when inserting www.bowmakerswhiskey.com on December 29, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

December 29, 2020

A handwritten signature in black ink, appearing to read "Theodore A. Breiner", written over a horizontal line.

Theodore A. Breiner



NOW ONLY:
\$56.99
YOU SAVE: \$3.00
ON SALE!



19564 750ML **\$69.99**
MAKER'S MARK PRIVATE SELECT BARREL
Cost per Liter: \$93.32

19490 750ML **\$39.99**
MAKER'S MARK BESPOKE
Cost per Liter: \$53.32

19481 750ML **\$49.99**
MAKER'S MARK CASK STRENGTH
BATCH NO. 1900Y
20-03 109.8 5



YOU SAVE: \$3.00
ON SALE!

19477 750ML **\$39.99**
Maker's Mark Bourbon
Cost per Liter \$39.99

19564 750ML **\$69.99**
MAKER'S MARK PRIVATE SELECT BARREL
Cost per Liter \$69.99











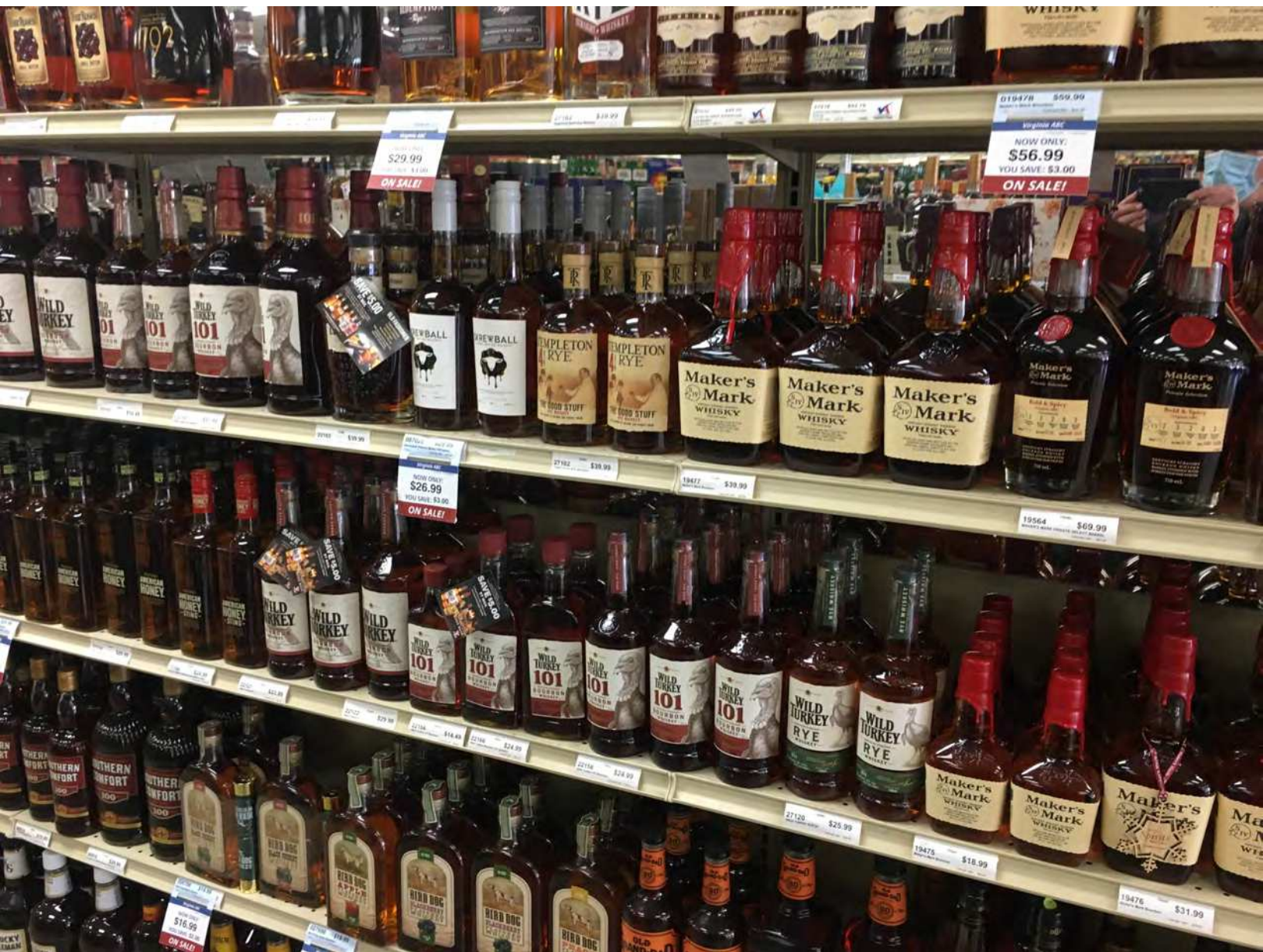


Exhibit 95

deity events

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deityweddingplanning.com › 2015/06/14 › bar ▼

DRINKS & BAR – Deity Wedding Planning

Jun 14, 2015 — **Deity Events**- Signature **Cocktail**. What are the **prices** of **Deity's drinks**? Here is our **Deity Wine List with Prices**. Please let your Coordinator ...

deitynyc.com › wp-content › uploads › 2015/09 › Deit... ▼

Bar List with Prices - Deity Events

BEER. - Brooklyn Lager \$6 -. - Stella Artois \$6 -. - Corona \$6 -. - Amstel Light \$6-. - Langanitas IPA \$7 -. NON-ALCOHOLIC. - Soft **Drinks** \$3 -. - Juices \$4 -.

www.weddingwire.com › ... › Brooklyn Banquet Halls ▼

Deity Events - Venue - Brooklyn, NY - WeddingWire

Contact **Deity Events** in Brooklyn on WeddingWire. Browse Venue **prices**, photos and 128 reviews, with a rating of 4.8 out of 5.
★★★★★ Rating: 4.8 · 128 reviews

What services does Deity Events offer for wedding events? ▼

What kind of wedding events does Deity Events offer? ▼

What are the most important characteristics of Deity Events in terms of venue type, style and location? ▼

www.theknot.com › ... › Manhattan Wedding Venues

Deity | Reception Venues - The Knot

With our all-inclusive package and **event** space, **Deity** provides a stress-free Weddings and **Events**. In a NYC ... Bar & **Drinks**, Food & Catering, Planning, Service Staff ... **Pricing** is subject to change based on availability and time of booking.
★★★★★ Rating: 4.9 · 106 reviews · Price range: \$\$\$ – Moderate

People also search for

26 bridge price

liberty warehouse the knot

the knot brooklyn historical society

deity 368 atlantic ave brooklyn, ny

cost of prospect park boathouse wedding

picnic house prospect park wedding cost

www.partyslate.com › venues › deity-events ▼

Deity Events | Brooklyn Venue | All Events | 61 photos on ...

In fact, the first **Deity** Wedding was the marriage of it's creators in 2007. Our romantic space provides full-service access for your ceremony, **cocktail** hour, and ...

www.eventective.com › brooklyn-ny › deity-628179 ▼

Deity - Brooklyn, NY - Wedding Venue

Host your **event** at **Deity** in Brooklyn, New York (NY). ... offer use of venue for ceremonies, receptions, **cocktail** parties, seated dinners ... **Pricing** for parties only.

www.tripadvisor.com › ... › Brooklyn Restaurants

DEITY EVENTS, Brooklyn - Boerum Hill - Menu, Prices ...

Deity Events, Brooklyn: See 3 unbiased reviews of **Deity Events**, rated 4.5 of 5 on ... Serves **Alcohol**, Full Bar, Accepts American Express, Accepts Mastercard, ...
★★★★★ Rating: 4.5 · 3 reviews · Price range: \$\$\$\$

www.leimageinc.com › blog › deity-brooklyn-wedding... ▼

Deity Events - Brooklyn Wedding Venue: Vendor Highlight

Nov 19, 2018 — **Deity Events** - Brooklyn wedding venues by Le Image - Brooklyn ... Their **prices** include exclusive use of their unique space, food and **drinks** ...

www.yelp.com › ... › Wedding Planning ▾

Deity Events - 491 Photos & 191 Reviews - Venues & Event ...

191 reviews of **Deity Events** "I had also walked by this place many times and ... This is the kinda place you go to sit and have a **drink** and admire the cool art and ...

★★★★★ Rating: 4.5 · 191 reviews

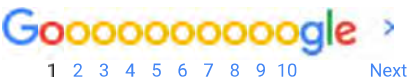
deityevents.com ▾

Deity Events – Brooklyn Corporate & Private Events

11217. **Pricing** & Availability ... **Deity** has an easy in-house process to make the **event** planning easy. From in-house ... Affordable packages offer use of venue for ceremonies, receptions, **cocktail** parties, seated dinners and dancing.

Searches related to deity events drink pricing

- | | |
|----------------------------------|---------------------------------|
| deity events wedding cost | the foundry wedding cost |
| deity brooklyn | deity new york fashion |
| the deity | martini |
| deity new york clothing | 74 wythe wedding |



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WINE

WHITE

Zonin Pinot Grigio NV: Delle Venezie, Italy - Glass \$8, Bottle \$40

Oyster Bay Sauvignon Blanc '14: Marlborough, New Zealand - Glass \$9, Bottle \$45

Joseph Drouhin Laforet Bourgogne Chardonnay '13: Burgundy, France - Glass \$10, Bottle \$50

RED

Montgras Cabernet Sauvignon '13: Colchaqua Valley, Chile - Glass \$9, Bottle \$45

Finca el Origen Reserva Malbec '13: Mendoza, Argentina - Glass \$10, Bottle \$50

Firesteed Pinot Noir '12, Willamette Valley, Oregon - Glass \$11, Bottle \$55

Barons de Rothschilds Lafite Reserve Speciale Bordeaux Rouge '13: France -
Glass \$12, Bottle \$60

SPARKLING

Zonin Prosecco NV: Delle Venezie, Italy - Glass \$10, Bottle \$50

Cupcake Moscato de Asti NV: Italy - Glass \$9, Bottle \$45

BEER

- Brooklyn Lager \$6 -
- Stella Artois \$6 -
- Corona \$6 -
- Amstel Light \$6-
- Langanitas IPA \$7 -

NON-ALCOHOLIC

- Soft Drinks \$3 -
- Juices \$4 -
- Sparkling Cider \$5 -
- Bottled Water \$5 -



CLASSIC COCKTAILS

- All Well Liquors \$9 -
- Cosmopolitan \$11 -
- Long Island Iced Tea \$12 -
- Margarita \$9 -
- Martini \$11 -
- French Martini \$11 -
- Apple Martini \$11 -
- Manhattan \$11 -
- Mimosa \$11 -
- Mojito \$11 -
- Redbull Vodka \$11 -
- Old Fashioned \$11 -
- Gimlet \$11 -
- Sidecar \$11 -
- Whiskey Sour \$11 -

RUM

- Bacardi Light \$11 -
- Captain Morgan Spiced \$11
- Goslings Black Seal \$11 -
- Malibu Coconut \$11 -

TEQUILA

- Patron Silver \$12 -
- Don Julio Blanco \$13 -
- Don Julio Reposado \$14 -

SCOTCH

- Dewars White Label \$12 -
- Johnnie Walker Black \$13 -
- Glenlivet 12yr \$14 -
- Balvenie 12yr \$15 -
- Balvenie 14yr \$18 -
- McCallan 18 \$25 -

IRISH WHISKEY

- Jameson \$11 -
- Red Brest 12 \$13 -

AMERICAN WHISKEY

- Jack Daniels \$11 -
- Bulleit Bourbon \$12
- Bulleit Rye \$12 -
- Maker's Mark \$12 -
- Knob Creek \$13 -
- Crown Royal \$13 -

CONGAC

- Hennessy VS \$12 -

VODKA

- Grey Goose \$12 -
- Ketel One \$12 -
- Stoli \$11 -
- Stoli Vanil \$11 -
- Stoli Raz \$11 -
- Stoli Oranj \$11 -

GIN

- Bombay Sapphire \$12 -
- Hendrick's \$13 -
- Tanqueray \$11 -

LIQUEUR

- Amaretto DiSaronno \$11 -
- Cointreau \$11 -
- Bailey's Irish Cream \$11 -
- Domaine de Canton Ginger \$11 -
- Chambord \$11 -
- Gran Marnier \$12 -
- Kahlua \$11 -
- Mathilde Peche \$11 -
- Midori \$11 -
- St Germain \$11 -
- Dekuper Sour Apple \$11 -
- Campari \$11 -
- Frangelico \$11 -
- Fernet Branco \$11 -
- Kina Lillet \$11 -



HOUSEMADE
SPECIALTY COCKTAILS \$11

GODDESS MARTINI
Amaretto, Vodka, Pineapple Juice,
Dash of grenadine

BOURBON APERTIF
Bourbon, Campari, Sweet Vermouth

EL DIABLO
Silver Tequila, Chambord,
Ginger Beer, Lime Juice

GINGER SPARKLER
Housemaid Ginger Syrup,
Topped with Prosecco

BRONX MARTINI
Gin, Sweet Vermouth,
Dry Vermouth, Orange Juice

HONEY BEE
White Rum, Fresh Honey,
Lemon Juice

*SPICED RED SANGRIA \$9
Red Wine, Fruit, Spices

PREMIUM
SPECIALTY COCKTAILS \$14

VANILLA FRENCH MARTINI
Stoli Vanil, Chambord,
Pineapple Juice

IRISH MANHATTAN
Jameson, Sweet Vermouth,
Grand Marnier, Angostura Bitters

BROOKLYN ONE MORE
Bulleit Bourbon, Fresh Mint, Lime,
Cucumber, Sugar

TEQUILA OLD FASHIONED
Don Julio Tequila Reposado,
Agave Nectar, Angostura Bitters

DEITY PINA COLODA
Malibu Rum, Bacardi Silver,
Cointreau, Orange Juice,
Pineapple Juice, Fresh Cream

HEAVENLY BELLINI
Peach Purée, Matilde Peche,
Topped with Prosecco

VESPER MARTINI
Hendricks Gin, Ketel One Vodka,
Kina Lillet



Bowmaker's Whiskey



About 304,000 results (0.45 seconds)

Did you mean: **Bowmakers** Whiskey

www.facebook.com › Places › Lake City, Michigan ▼

Bowmaker's Whiskey - Home | Facebook**Bowmaker's Whiskey**, Schoolcraft, Michigan. 264 likes. Bryan and Brenda Parks founded **Bowmaker's Whiskey** in 2016. Our whiskey boasts a different taste...

www.bowmakerswhiskey.com ▼

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Bowmaker's Whiskey (@bowmakerswhisky) | TwitterThe latest Tweets from **Bowmaker's Whiskey** (@bowmakerswhisky). **Bowmaker's Whiskey** looks to the traditions of the old world as a guide to the best of what ...

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Bowmaker's Whiskey, 2626 N. Decker Road, Lake City, MI ...Mission: **Bowmaker's Whiskey** looks to the traditions of the old world as a guide to the best of what Whiskey can be. We are applying concepts from Scotch and ...

winecompass.com › winecompass › DesktopDefault ▼

Bowmaker's Whiskey in Lake City, Michigan - WineCompass**Bowmaker's Whiskey** located in Lake City, Michigan including distillery information, map of the Lake City area, directions, reviews, contact details, list of spirits ...

trademarks.justia.com › bowmaker-s-87383989 ▼

BOWMAKER'S WHISKEY Trademark Application of ...**BOWMAKER'S WHISKEY** is a trademark of **BOWMAKER'S WHISKEY COMPANY**. Filed in March 24 (2017), the **BOWMAKER'S WHISKEY** covers Distilled spirits; ...

www.distillery.news › bowmakers-whiskey-company ▼

Bowmaker's Whiskey Company - Distillery Directory ...Oct 14, 2017 — **Bowmaker's Whiskey** looks to the traditions of the old world as a guide to the best of what Whiskey can be. We are applying concepts from ...

www.linkedin.com › ...

Bryan Parks - Founder and President - Bowmaker's Whiskey ...Licensed CRNA since 1995. Semi-retired providing some Locums Tenens coverage. Founder of **Bowmaker's Whiskey** Company in January of 2017, ...
Kalamazoo, Michigan Area · Founder and President · Bowmaker's Whiskey Company

vymaps.com › Bowmaker-s-Whiskey-252193238532570

Bowmaker's Whiskey, South Dakota ((231) 384-8444) - VYMaps.comBryan and Brenda Parks founded **Bowmaker's Whiskey** in 2016. Our whiskey boasts a different taste because we utilize a "living cask" process for maturity.

opencorporates.com › companies › us_mi ▼

BOWMAKER'S WHISKEY COMPANY :: Michigan (US ...

Exhibit 97

Free and open company data on Michigan (US) company **BOWMAKER'S WHISKEY COMPANY** (company number 801988566), 10390 S 2ND ST ...

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